

### **REMARKS/ARGUMENTS**

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-18, 20 and 21 are pending in the present application. Claim 19 has been canceled without prejudice or disclaimer, and Claim 20 has been amended for clarification by the present amendment. No new matter has been added.

In the outstanding Office Action, Claims 19 and 20 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; Claims 1-18 and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kambayashi et al. (U.S. Patent 6,477,649, herein "Kambayashi"); and the Examiner indicated that Claims 19 and 20 will be objected to under 37 C.F.R. § 1.75 as being a substantial duplicate thereof.

First, in the previous Amendment filed November 8, 2004, Applicant has requested the Examiner to acknowledge the claim to priority and the receipt of the priority document, and submitted copies of the Official Filing Receipt, and filing receipt indicating its filing. However, it appears that the Examiner has yet to acknowledge the claim to priority and the receipt of the priority document. Accordingly, it is again respectfully requested that the Examiner acknowledge the claim to priority and the receipt of the priority document.

In response to the Examiner's indication that Claims 19 and 20 will be objected to under 37 C.F.R. § 1.75 as being a substantial duplicate thereof, Applicant has herein canceled Claim 19. Accordingly, no objection on that basis is anticipated.

With regard to the rejection of Claims 19 and 20 under 35 U.S.C. § 112, first paragraph, Applicant notes that the subject matter "required to decrypt the encrypted contents information" recited in Claim 20 is associated with the key information, as clarified by the present amendment. Accordingly, it is respectfully requested this rejection be withdrawn.

In response to the rejection of Claims 1-18 and 21 under 35 U.S.C. § 103(a) as unpatentable over Kambayashi, Applicant respectfully traverses this rejection as discussed next.

Claim 1 is directed to a broadcast receiving method. By way of background, in a conventional broadcast system such as a pay broadcast system, information for an individual subscriber unnecessarily occupies a transmission band of the system due to repetitive transmissions of such information by a broadcaster or a distributor.<sup>1</sup>

Due, in part, to the above deficiency in a conventional broadcast system, the claimed invention is provided. For example, Claim 1 includes, among other things, the feature "... receiving broadcasted key information independent from the receiver and required to decrypt the contents information ...," to mitigate the above-noted unnecessary take up of the transmission band caused by the repetitive transmissions.

Turning to the outstanding rejection, the Office Action indicates that column 41, lines 33-67 of Kambayashi teaches receiving broadcasted key information independent from the receiver and required to decrypt the contents information.<sup>2</sup>

For example, the above-noted portion of Kambayashi (column 41, lines 33-67) describes that the information usage device (2020) outputs key generation information (kb) in response to a request from the common key generation information extracting section (2031), and upon receiving the information (kb), the section (2031) sends the information (kb) to the updated information generation section (2004). The section (2004) generates updated license information from desired license condition inputted by a user, contents ID and the information (kb), and transmits the updated license information to the license information

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<sup>1</sup> See also the specification at page 3, lines 17-25, for example.

<sup>2</sup> See page 5, paragraph 5, of the outstanding Office Action.

update device (2008). However, there is nothing in the above-indicated portion that teaches or suggests receiving **broadcasted** key information.

Further, at column 39, lines 42-56, Kambayashi describes that when the decision section (2003) decides that the contents cannot be used, the section (2004) is started, and the section (2004) sends the public key obtained from the key holder section (2005), the desired license condition inputted by the user, and the contents ID to the update device (2008). However, this portion of Kambayashi also does not teach or suggest receiving **broadcasted** key information.

In summary, Kambayashi fails to disclose or suggest the feature "... receiving **broadcasted** key information independent from the receiver and required to decrypt the contents information ..." (emphasis added) as recited in Claim 1.

Independent Claims 2, 3, 6, 9-11, 14, 17, 18, 20 and 21 include subject matter substantially similar to what is recited in Claim 1 to the extent discussed above, and thus the similar arguments set forth above apply to these claims as well.

Accordingly, it is respectfully submitted that independent Claims 1-3, 6, 9-11, 14, 17, 18, 20 and 21 and each of the claims depending therefrom are believed to be non-obvious and patentable over Kambayashi, and the withdrawal of the rejection is respectfully requested.

Consequently, in light of the above discussion, and in view of the present amendment, Applicant respectfully submits that the present application is in condition for allowance, and an early action favorable to that effect is earnestly solicited.

Respectfully submitted,

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A handwritten signature in dark ink, appearing to read 'Eckhard H. Kuesters', is written over a horizontal line.

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